

**Amendments to Claims**

**Claim 1. (Currently Amended)** An isolated nucleic acid molecule selected from the group consisting of: comprising

(a) an isolated nucleic acid fragment encoding a plasmid replication protein having the amino acid sequence as set forth in SEQ ID NO:2; and

(b) ~~an isolated nucleic acid encoding a plasmid replication protein that hybridizes with (a) and is washed with 0.1X SSC, 0.1% SDS, 65°C.~~

**Claim 2. (Original)** The isolated nucleic acid of Claim 1 as set forth in SEQ ID NO:1.

**Claims 3-16 (Canceled)**

**Claim 17. (Original)** A plasmid comprising the nucleic acid of Claim 1.

**Claims 18-19 (Canceled)**

**Claim 20. (Previously Amended)** A plasmid according to Claim 17 further comprising at least one nucleic acid encoding a selectable marker.

**Claim 21. (Canceled)**

**Claim 22. (Previously Amended)** A plasmid according to Claim 17 further comprising an origin of replication that is functional in a gram positive bacterium.

**Claim 23. (Original)** A plasmid according to Claim 22 wherein the gram positive bacterium is a member of the Actinomycetales bacterial family.

**Claim 24. (Original)** A plasmid according to Claim 23 wherein the gram positive bacterium is selected from the group consisting of, *Actinomyces*, *Actinoplanes*, *Arcanobacterium*, *Corynebacterium*, *Dietzia*, *Gordonia*, *Mycobacterium*, *Nocardia*, *Rhodococcus*, *Tsukamurella*, *Brevibacterium*, *Arthrobacter*, *Propionibacterium*, *Streptomyces*, *Micrococcus*, and *Micromonospora*.

**Claim 25. (Previously Amended)** The plasmid according to Claim 17 further comprising at least one promoter suitable for the expression of a gene in *Rhodococcus*.

**Claims 26 – 33 (Canceled)**

**Claim 34. (Previously Amended)** A transformed bacteria comprising the plasmid of Claim 17.

**Claim 35. (Original)** A transformed bacteria according to Claim 34 wherein the bacteria is a member of the Actinomycetales bacterial family.

**Claim 36. (Original)** A transformed bacteria according to Claim 35 wherein the bacteria is selected from the group consisting of, *Actinomyces*, *Actinoplanes*, *Arcanobacterium*, *Corynebacterium*, *Dietzia*, *Gordonia*, *Mycobacterium*, *Nocardia*, *Rhodococcus*, *Tsukamurella*, *Brevibacterium*, *Arthrobacter*, *Propionibacterium*, *Streptomyces*, *Micrococcus*, and *Micromonospora*.

**Claim 37. (Original)** A transformed bacteria. according to Claim 36 selected from the group consisting of: *Rhodococcus equi*, *Rhodococcus erythropolis*, *Rhodococcus opacus*, *Rhodococcus rhodochrous*, *Rhodococcus globerulus*, *Rhodococcus koreensis*, *Rhodococcus fascians*, and *Rhodococcus ruber*.

**Claim 38. (Original)** A transformed bacteria of Claim 34 comprising a second plasmid belonging to a different incompatibility group.

**Claims 39-41 (Canceled)**